

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Jamie Allen Bircumshaw,

Case No.: 2:19-cv-00551-JAD-NJK

Petitioner

Order Dismissing Petition

Attorney General of the State of Nevada, et al.,

Respondents

Petitioner Jamie Allen Bircumshaw filed this pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 to challenge events that occurred in 2017–2018 in his state-court criminal prosecutions.¹ Because Bircumshaw failed to submit an application to proceed in forma pauperis or pay the filing fee, his case has been improperly commenced, and I dismiss it on that basis.²

15 It does not appear from the papers that a without-prejudice dismissal will materially
16 affect a later analysis of any timeliness issue with regard to a new, timely filed action. Petitioner
17 at all times remains responsible for calculating applicable federal limitation periods and for
18 properly commencing a timely filed federal habeas action.

23 | ¹ ECF No. 1-1.

² 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

If petitioner files a new action, he should specify which judgment or judgments of conviction he seeks to challenge. He also must name the state officer in whose custody he is as a respondent.³

4 IT IS THEREFORE ORDERED that the Clerk is directed to DETACH AND FILE the
5 petition [ECF No. 1-1].

6 IT IS FURTHER ORDERED that **this case is DISMISSED** without prejudice.

7 IT IS FURTHER ORDERED that a certificate of appealability is DENIED because
8 jurists of reason would not find the court's dismissal of this improperly commenced action
9 without prejudice to be debatable or incorrect.

10|| The Clerk of Court is directed to ENTER JUDGMENT accordingly and close this case.

11 Dated: April 17, 2019

U.S. District Judge Jennifer A. Dorsey

3 Habeas Rule 2(a).